

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN DOE, individually and on behalf of all others similarly situated, Plaintiff, v. HIGHMARK, INC., a Pennsylvania Corporation, Defendant. This Document Relates to: All Actions	Master File No. 2:23-cv-00250-NR
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ORDER APPOINTING INTERIM CLASS COUNSEL

1. On March 20, 2023, this Court entered an order granting Plaintiffs' motion to consolidate actions and scheduling the filing of Plaintiffs' motions for leadership, which included a process for submitting applications for appointment of interim class counsel or other designated counsel either individually or as part of a proposed leadership structure.

2. The Court has analyzed those submissions and considered the factors identified in the MANUAL FOR COMPLEX LITIGATION (Fourth), Federal Rule of Civil Procedure 23(g), and other accepted guidance respecting appointment of leadership counsel in cases of this kind. Accordingly, the Court hereby **GRANTS** the application of Plaintiffs John Doe, Caitlyn Waruszewski, Kevin Harrison, Wendy Marshall, Barbara Steetle, Angela Hollandsworth, Diana Ainsworth-Holly, David Zimmerman, and Channelle Zimmerman, and **ORDERS** as follows:

PLAINTIFFS' INTERIM CLASS COUNSEL

3. The Court appoints the following attorneys to serve as Interim Class Counsel pursuant to Rule 23(g):

a. **Chairperson of Plaintiffs' Executive Committee:**

Gary F. Lynch, Lynch Carpenter, LLP; and

b. **Members of Plaintiffs' Executive Committee:**

Raina Borrelli, Turke & Strauss LLP;

James A. Francis, Francis Mailman Soumilas, P.C.;

Samantha E. Holbrook, Shub & Johns LLC;

Thiago M. Coelho, Wilshire Law Firm, PLC;

Lori G. Feldman, George Feldman McDonald, PLLC;

James Pizzirusso, Hausfeld LLP;

Jeff Ostrow, Kopelowitz Ostrow P.A.; and

William M. Audet, Audet & Partners, LLP.

4. The above-named attorneys meet the requirements of Rule 23(g), are designated to act on behalf of the putative class before determining whether to certify the action as a class action, and shall serve as Interim Class Counsel with responsibility for managing the distribution of work amongst Plaintiffs' counsel and overseeing compliance with the duties and responsibilities set forth herein. The duties and responsibilities of Interim Class Counsel are as follows:

- a. Assign work to other Plaintiffs' counsel who, as of the date of this Order, have filed complaints in this consolidated litigation, such assignments to occur as necessary in light of the needs of the litigation;
- b. Determine and present (in pleadings, motions, briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) to the Court and opposing parties the position of the Plaintiffs on all matters arising during pretrial (and if appropriate, trial) proceedings;

- c. Initiate, coordinate, and conduct all pretrial discovery on behalf of Plaintiffs in this consolidated litigation, including the preparation of joint interrogatories and requests for production of documents, and the examination of witnesses in depositions, and direct and coordinate the conduct of all types of discovery proceedings;
- d. Examine witnesses and introduce evidence at hearings on behalf of Plaintiffs;
- e. Perform all work necessary for the prosecution of the case, including investigation, research, briefing, and discovery;
- f. Make all work assignments on behalf of Plaintiffs in a manner to promote the orderly and efficient conduct of this litigation and to avoid unnecessary duplication and expense;
- g. Appear at all hearings and conferences regarding the case as most appropriate for effective and efficient presentation;
- h. Negotiate and enter into stipulations and agreements with opposing counsel as necessary throughout the litigation, including discovery, mediation, and other pretrial matters;
- i. Consult with and employ experts;
- j. Call meetings of counsel for Plaintiffs for any appropriate purpose, including coordinating responses to questions of other parties or of the Court. Initiate proposals, suggestions, schedules, and any other appropriate matters pertaining to pretrial proceedings;

- k. Prepare and distribute periodic status reports to the Court as requested and to the parties;
- l. Act as spokespersons for all Plaintiffs with Defendants and the Court, subject to the right of other Plaintiffs' counsel to present non-repetitive individual or different positions;
- m. Conduct settlement negotiations on behalf of all Plaintiffs;
- n. Develop and recommend for Court approval practices and procedures pertaining to attorneys' fees and expenses as further detailed below and, on an ongoing basis, monitor and administer such procedures. At such time as may be appropriate, Interim Class Counsel also will recommend apportionment and allocation of fees and expenses subject to Court approval; and
- o. Otherwise direct, coordinate, and supervise the prosecution of Plaintiffs' claims in the consolidated action and perform such other duties as may be needed to ensure proper coordination of Plaintiffs' pretrial activities and prosecution of the claims or as may be further directed by the Court.

5. The Plaintiffs' Executive Committee may create other such committees and subcommittees (made up of counsel of record in this proceeding) as necessary and proper to efficiently carry out its responsibilities, designate members thereof, and to delegate common benefit work responsibilities to selected counsel (including non-members of the Plaintiffs' Executive Committee), as may be required for the common benefit of Plaintiffs.

6. To the extent a committee or subcommittee needs additional support with its common benefit work, it may seek the participation and assistance of non-leadership counsel.

However, no common benefit work may be performed by non-leadership counsel without the prior approval of Interim Class Counsel.

7. The Court may amend or expand the Plaintiffs' Executive Committee upon request from Interim Class Counsel or on the Court's own motion, if and as circumstances warrant.

ADDITIONAL MATTERS

8. This order applies to all actions in the above-captioned consolidate matters and all subsequently consolidated actions.

9. Interim Class Counsel must serve a copy of this Order and all future orders promptly by overnight delivery service, facsimile, or other expeditious electronic means on counsel for Plaintiffs in each related action not yet consolidated in this proceeding to the extent that Interim Class Counsel is aware of any such action(s) and on all attorneys for Plaintiffs whose cases have been so consolidated but who have not yet registered for ECF.

10. Within forty-five (45) days of the entry of this Order, Interim Class Counsel shall file a Consolidated Amended Complaint.

IT IS SO ORDERED

DATED this 27th day of April, 2023.

s/ J. Nicholas Ranjan

J. Nicholas Ranjan
United States District Judge